United Nations A/HRC/31/81*

General Assembly

Distr.: General
29 January 2016

Original: English

Human Rights Council
Thirty-first session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development

Enhancement of international cooperation in the field of human rights

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 28/2. It is based on contributions from Member States and takes into account the high-level panel discussion with the theme of "Enhancement of international cooperation in the field of human rights".

* Reissued for technical reasons on 2 March 2016.

GE.16-01257(E)

Please recycle

I. Introduction

1. In its resolution 28/2 on enhancement of international cooperation in the field of human rights, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare, in consultation with States, a report on the ways and means, as well as obstacles and challenges and proposals to overcome them, for the enhancement of international cooperation in the United Nations human rights machinery, including the Council, taking into account the discussion conducted by the high-level panel on human rights mainstreaming held during twenty-eighth session of the Council with the theme of "Enhancement of international cooperation in the field of human rights", and submit the report to the Council. In order to give effect to that mandate, the Office of the United Nations High Commissioner for Human Rights solicited views from all States. Contributions were received from Bahrain, the Russian Federation and the Syrian Arab Republic.[1]

2. The present report describes previous initiatives on the topic of international cooperation in the field of human rights (sect. II);[2] provides a summary of State submissions (sect. III); and summarizes points raised during the panel discussion held during the twenty-eighth session (sect. IV). Section V contains conclusions and recommendations.

II. International cooperation in the field of human rights: substantive, procedural and institutional dimensions

3. Over the past few years, the Council, in a number of resolutions, has referred to international cooperation in promoting and encouraging respect for human rights and fundamental freedoms.[3] In its study on the enhancement of international cooperation in the field of human rights, the Human Rights Council Advisory Committee noted the wide variety of meanings that the very concept of international cooperation may have (see A/HRC/19/74, para. 26). Surveying the main instruments on international cooperation in the field of human rights, such as the Charter of the United Nations, international human rights treaties, the Vienna Declaration and the Durban Declaration and Programme of Action, the Advisory Committee acknowledged that the concept involved a wide range of actors, fields and registers (ibid., para. 26).

4. According to the Advisory Committee, international cooperation cannot be reduced to a mere juxtaposition of national interests or the logic of power relations, but is based on three assumptions: firstly, international cooperation premised on a genuine partnership and shared undertaking; secondly, while cooperation entails participation in a process, it is not an end in itself but a means to an end; and, thirdly, cooperation conveys some sense of a "shared ideal" (see A/HRC/19/74, paras. 35-37). In the latter sense, as noted in the report, cooperation is not just a matter of relations of good neighbourliness, coexistence or reciprocity, but rather of a willingness to look beyond mutual interests in order to advance the general interest (see A/HRC/19/74, para. 37).

5. In relation to substantive matters (such as development, social, humanitarian, security and cultural cooperation), the Advisory Committee, in its report, underlined that human rights were to be integrated into collaborative efforts of States in various areas (see

[1] The full texts of the replies are on file with the Secretariat and are available for consultation.
[2] For more information on this topic, see A/HRC/19/74, A/HRC/26/41; see also A/HRC/23/20.
[3] Ibid.

A/HRC/19/74, para. 19). The universal periodic review had opened up opportunities for States, the United Nations system, regional organizations, civil society, national institutions and development actors to foster joint efforts and cooperation in the field of human rights (see A/HRC/23/20, para. 8). In that context, the Advisory Committee discussed the obligation of cooperation with monitoring bodies, ways to strengthen those bodies, the follow-up to recommendations made by these bodies and suggested measures to improve the human rights situation on the ground (see A/HRC/19/74, paras. 44-50).

6. Importantly, the Advisory Committee, recognizing the evolving nature of the concept, noted that it might be too soon to set up a typology of international cooperation. Rather a systematic framework should be developed that would allow all the parameters involved to be taken into consideration. Only then would it be possible to envisage a dynamic, rather than static, approach to the issue, with a view to identifying best practices for enhancing international cooperation in the area of human rights. Those best practices were identified and disseminated through visits by experts, as well as through studies and reports. The universal periodic review, forums and other platforms for exchanging information at the national, regional and international levels also provided a vehicle for their dissemination (see A/HRC/19/74, para. 27).

7. The Advisory Committee further endeavoured to clarify the contours of this all-encompassing topic (see A/HRC/26/41). It considered parameters such as increasing the involvement of national human rights institutions and civil society in the work of the United Nations human rights mechanisms.

8. International cooperation, according to the Advisory Committee, would be enhanced by strengthening the universal periodic review, subsidiary and special procedures of the Human Rights Council, ways and means to move towards more consolidated and synchronized State reporting, improving universal adherence to human rights texts and bodies, improving coordination with and among regional bodies, enhancing the follow-up system, consolidating the voluntary funds, mainstreaming human rights across the global institutional system and strengthening human rights cooperation in the field of migration.

9. The Council, in its resolution 28/2, accommodates these many dimensions of international cooperation in the field of human rights by covering the substantive, procedural and institutional facets of international cooperation (see also A/HRC/19/74, paras. 8-13 and 28-39). It refers to the principles of universality, non-selectivity, objectivity and transparency in the promotion, protection and full realization of all human rights and fundamental freedoms in a manner consistent with the purposes and principles set out in the Charter of the United Nations and underlines that international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights.

III. Enhancement of international cooperation in the field of human rights: summary of State submissions

Bahrain

10. Bahrain emphasized that international cooperation should take into account State sovereignty as well as the domestic context. It also suggested that "naming and shaming" may not be the most constructive approach and that international cooperation should not be used to advance "demands that are not agreed upon internationally".

Russian Federation

11. The Russian Federation underscored that States have the primary responsibility to ensure the protection and promotion of human rights. International institutions and mechanisms are to support States in fulfilling their obligations through dialogue based on equality and mutual respect, with due attention given to the national, religious, cultural and historical specificities of each State, as well as the level of socioeconomic development. Human rights dialogue should be constructive and facilitate rapprochement between States. The Russian Federation noted that the Human Rights Council was established with the rationale of strengthening the international regime of human rights protection and enhancing constructive dialogue between States, international organizations and civil society. It further stressed that the polarized interests of various groups of States posed difficulties to discussing human rights issues in a substantive and impartial manner. Reference was also made to the need to avoid duplication when establishing special procedure mandates and to the compliance of the special procedure mandate holders with their mandates and the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. It was noted that the universal periodic review was one important element of the international human rights protection architecture. In that context, the Russian Federation emphasized that States should cooperate on the basis of the principles of objectivity, non-selectivity and non-politicization, while confrontation and double standards should be avoided.

Syrian Arab Republic

12. The Syrian Arab Republic described a number of challenges to international cooperation in the field of human rights. Among them were selectivity in dealing with human rights issues, as manifested by the prioritization of one set of rights over another or assessing human rights situations only in certain countries and not others. The Syrian Arab Republic also emphasized the importance of reinforcing cultural diversity and understanding the domestic context of countries. It also noted the need for more precise and tailored recommendations from United Nations mechanisms to facilitate better implementation. The Syrian Arab Republic recommended that technical assistance and advisory programmes in the field of human rights should be exempted from political conditionality and agreed upon jointly with the countries concerned, in accordance with their national priorities. The Syrian Arab Republic stressed the importance of achieving international cooperation in accordance with the principles contained in the Charter of the United Nations and reaffirmed in subsequent declarations and resolutions.

IV. Summary of the high-level panel discussion on human rights mainstreaming with the theme of "Enhancement of international cooperation in the field of human rights"

A. Opening remarks

13. In her opening remarks, the Deputy High Commissioner for Human Rights underlined the progress achieved since the adoption of the Charter of the United Nations, for example, the higher rates of child survival, better access to education and health care and the alleviation of poverty. Since then, peacekeeping and peacemaking efforts had also contributed to resolving numerous conflicts. Human rights, in particular women's rights, had advanced. Nonetheless, violence and discrimination continued to affect women and girls and gender stereotypes persistently compromised women's rights. Although States came together to pledge cooperation, they did not act together with the same strength.

14. The Deputy High Commissioner also noted that, while the Millennium Development Goals had led to progress, they were overly focussed on aggregate economic growth. In doing so, they neglected the most vulnerable people. For that reason, fairness and rule of law would have to be extended into the economic sphere and firm commitments to human rights should underpin the work of the United Nations as it worked to define the post-2015 development agenda. For that agenda to be transformative, a forward-looking approach to the measurement of sustainable development would be critical. It was important to invest in the collection of new data that went beyond monitoring averages, so that progress could be monitored for all social groups.

B. Keynote speaker and panel discussions

15. The Deputy Permanent Representative of the Islamic Republic of Iran, Abbas Bagherpour Ardekani, noted that tolerance and respect for different viewpoints would deepen and enrich the commitment to human rights, which should be based on genuine cooperation and constructive dialogue in all relevant forums, including the universal periodic review. International cooperation should therefore focus on strengthening the ability of States to implement their obligations through appropriate technical cooperation and capacity-building upon their request.

16. Mr. Abbas was of the view that cultural diversity should be a source of unity rather than division and used as a vehicle for creativity, social justice, tolerance and understanding, not as a rationale for ideological and political confrontation. The complex contemporary challenges called for global solutions and the bringing about of a democratic and equitable international order. International cooperation could help to address emerging challenges in different social, economic and cultural fields. Innovative mechanisms should be strengthened to accelerate the implementation of the right to development, which needed closer attention. The right to development should be given a high profile and be placed at the heart of the post-2015 development agenda.

17. The Executive Director of the South Centre, Martin Khor, noted that international cooperation was needed, as national actions to realize human rights were insufficient. Economic globalization influenced the way in which States were able to conduct human rights policies. For instance, in some States, sovereign debt prevented the Government from providing basic services to its citizens. In some cases, developing countries had become dependent on food aid as a result of the withdrawal of agricultural subsidies, the lowering of tariffs and the inflow of cheap, subsidized foodstuffs. In the area of health, access to medicines remained problematic. In particular, the clash between the realization of the right to health and the strict observance of intellectual property regulation impeded advances in that area.

18. Mr. Khor stressed the need to re-examine the international system of trade, technology, intellectual property and financial investments. He proposed the following: international organizations should examine the impact of their policies on the realization of human rights; States should consider the effects of their policies on the realization of human rights abroad; and the Human Rights Council should further discuss how to mainstream human rights in the international economic and social system. Furthermore, the Secretariat should be given resources to study the effects of policies and take advantage of the post-2015 development agenda, with a view to mainstreaming human rights.

19. The former Director-General of the International Labour Organization and Special Adviser on Interregional Policy Cooperation, Juan Somavia, addressed the issue of the post-2015 development agenda and the centrality of the right to development. He pointed out that, during past conferences on those topics, it had been concluded that problems

existed due to root and structural causes. Those conclusions had led to the development of the Millennium Development Goals and placed the United Nations at the centre of the discussions on those topics. The drawback of the process, however, had been its sectoral approach, which had obscured the broader picture. As a result, inequality had grown enormously, while full employment and gender equality had not been realized. Although the globalization process had been supposed to help realize the set objectives, it had actually hindered them.

20. Mr. Somavía also warned that a similar mistake could be made with the post-2015 development agenda and the sustainable development goals, as no country or region exhibited global policy leadership. He emphasized the need to be conscious that, in many societies, the distance between the system and citizens had grown. In the light thereof and in order to advance on global development issues, different growth paths needed to be defined. If the global economy continued to be defined by financial reasoning without taking a human rights-based approach into account, the development paradigm would not shift.

21. The Director of the Strategic Partnerships Division of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Kristin Hetle, noted that much had been achieved in the field of women's rights. Nonetheless, progress had been unacceptably slow and women's rights continued to be under threat. In order to advance, universal ratification and full implementation of the Convention on the Elimination of all Forms of Discrimination against Women should be ensured; urgent actions had to be taken to remove discriminatory laws against women; investments in gender equality and women's rights had to increase and laws and policies had to be supported with adequate resources; accountability mechanisms should be strengthened to ensure women were empowered to claim their rights; inequalities had to be addressed; and marginalized women had to be reached through the collection of accurately disaggregated data. The gap between laws and policies and women's practical enjoyment of their rights had to be closed.

22. Ms. Hetle was also of the view that gender equality, the empowerment of women and the human rights of women and girls should be a central priority of the post-2015 development agenda. In order to be truly transformative, the post-2015 development agenda had to change the unequal distribution of power and take into account those elements that perpetuated gender inequalities, poverty, vulnerability and environmental degradation. Such change required working on alternative approaches emphasizing equality, human rights and economic, social and environmental sustainability, as well as international cooperation.

23. The Permanent Representative of the Russian Federation, Alexey Borodavkin, indicated that globalization, an increased level of interdependence and the growing potential for conflicts had an impact on international cooperation. Extremism and terrorism were impeding the enhancement of international cooperation. The need to fight against extreme forces of violence and terrorism therefore had to be prioritized in promoting human rights. Double standards, subjectivity, false accusations against Governments and politicization within the United Nations limited the possibilities for developing cooperation and had a negative effect on combating terrorism. The activities of the Human Rights Council in relation to the fight against terrorism also required a readjustment of its approach. That approach should be based on a broad scale of cooperation, inter alia, through the organization of seminars and training programmes to share best practices. Dialogue and respect for cultural diversity and different civilizations had to be reinforced. He also highlighted the importance of cooperation and technical assistance. The universal periodic review was the best mechanism to promote and enhance such cooperation and dialogue.

24. The professor of Political Science at the Complutense University of Madrid, Juan Carlos Monedero Fernández-Gala addressed the issue of political selectivity in the

application of human rights. He identified three important areas: to end inequality globally, cognitive injustice and historical injustice. Inequalities should not be ignored, collective rights should not be hampered and the understanding of the concept of human dignity should not be limited. Human rights had to become part of an inclusive dialogue and should not be discussed as part of a monologue of the powerful over the weak, of men over women, of heterosexual over homosexual and of majority over minority.

C. Interventions by States and other stakeholders

1. International cooperation, the post-2015 development agenda and the right to development

25. Participants stated that approaching international cooperation from the perspective of the right to development could provide a good framework for the promotion of international cooperation and for a comprehensive response to human rights challenges. The realization of that right, in accordance with the principle of international solidarity, could also reverse existing inequalities. In that connection, the Council should not give undue attention to civil and political rights at the expense of economic, social, and cultural rights, including the right to development. Delegates also stated that the Council should take the lead in prioritizing the right to development. They indicated that the mainstreaming of the right to development should be accompanied by structural reforms at the international level and that the discourse on the post-2015 development agenda could greatly contribute to that mainstreaming.

26. The need to adhere to a rights-based approach to international development and the post-2015 development agenda was also emphasized. International cooperation should aim to strengthen the capacities of States to comply with their human rights obligations. States had the primary responsibility for realizing the right to development for their citizens. Delegates also stressed the importance of cooperation of any kind to support the efforts of States to meet their human rights obligations at the national level. They were of the view that the post-2015 development agenda should have human dignity at its heart and that differences of opinions about the right to development should not prevent the international community from achieving the realization thereof. One delegate indicated that accountability and transparency were important in achieving sustainable development and should be taken into account in the process of defining the post-2015 development agenda. Continued dialogue and the inclusion of a broader range of civil society stakeholders were considered to be crucial in ensuring accountability.

2. International cooperation in promoting and protecting women's rights, gender equality and diversity

27. Delegates underscored that international cooperation could support the mainstreaming of women's rights and gender equality in all development goals. Although progress had been made, gender inequalities, discrimination and violence against women and girls persisted and remained an obstacle to sustainable development. In that connection, delegates expressed appreciation for the fact that gender equality and the empowerment of women and girls had been included as a stand-alone goal in the Open Working Group proposal for Sustainable Development Goals, which served as a basis for the post-2015 development agenda. In order to effectively integrate a gender perspective into the work of the Council, it was proposed that the Council's discussions should reflect the differing conditions and experiences of men, women, boys and girls around the world.

28. It was also suggested that best practices should be developed for the protection of human rights of persons that faced discrimination on the grounds of their sexual orientation and gender identity. Delegates underlined that the primary objectives of international cooperation were to ensure the protection of fundamental rights and freedoms and to maintain peace through mutual respect, tolerance and recognition and acceptance of cultural and religious diversity. Combating racist political discourse, xenophobic acts, Islamophobia, hate speech and incitement to hatred were crucial in achieving those objectives. International cooperation should seek to address multiple and intersecting forms of injustices and inequalities, including those related to sex, gender, age, race, ethnicity, sexuality, religion and ability.

3. Enhancement of international cooperation in the field of the universal periodic review and capacity-building

29. Delegates stressed the importance of international cooperation through exchanges of experiences, the sharing of best practices, mutual assistance and South-South cooperation. Technical cooperation and capacity-building in particular were considered to be key instruments in achieving sustainable development. Good coordination among United Nations bodies was considered essential in responding to national needs to address implementation challenges and capacity-building efforts, guided by international norms and standards. Efforts to strengthen the collective capacity to protect human rights should be based on the principles of neutrality and non-selectivity, with a view to promoting a culture of solidarity.

30. Participants also recognized the importance of the universal periodic review mechanism, as it contributed to genuine dialogue and continuously reinforced its own significance in enhancing international cooperation. The representative of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights added that national human rights institutions were bound by the commitment to human rights, enabling them to cooperate among themselves and with other stakeholders to overcome political differences. To strengthen respect for human rights, the International Coordinating Committee pledged to continue supporting cooperation across all regions and looked forward to working together with relevant stakeholders.

D. Concluding remarks of panellists

31. In their concluding remarks, the panellists stressed the need for the international community to cooperate in ensuring that developing countries were able to achieve their development goals, while mainstreaming human rights. Mr. Khor recalled the need to address obstacles to development goals both at the national and international levels. To that effect, developing countries needed aid, debt relief and trade preferences. At the same time, those countries had to prioritize and implement national policies that were consistent with the right to development.

32. Mr. Somavía noted that, while opinions differed, it was essential for statespersons to be honest, understanding and solution-oriented. International development mechanisms should apply equally to all States and be established without conditionality.

33. Ms. Hetle welcomed interventions from States renewing their commitment to the goals of the Beijing Declaration and Platform for Action. She underlined the importance of fully implementing the commitments that had been made and stressed that words had to be turned into actions.

34. Mr. Borodavkin expressed his appreciation for the focus on the importance of developing and deepening cooperation with civil society. Although that gave rise to optimism, it was clear that diverging views existed on the concept of cooperation. He expressed the hope that, in the future, States would be able to find solutions, especially in the area of international cooperation.

35. Mr. Fernández-Gala noted that States should focus on cooperation, greater awareness of the role of women was needed and human rights should not only be defined from the angle of powerful States.

V. Conclusions and recommendations

36. The potential to achieve universal protection and promotion of human rights through international cooperation is inherent in the Charter of the United Nations and international human rights treaties. Recognizing that the universal protection of human rights cannot be effectively achieved by States acting individually, but only through international cooperation, the General Assembly, in its resolution 60/251, which established the Human Rights Council, acknowledged that the effective functioning of the human rights machinery was conditional on cooperation between States.

37. International cooperation is most effective when based on human rights, including the right to development and equality between men and women, and the principles of universality, non-selectivity, objectivity and transparency. In that context, commitments undertaken as part of the Beijing Declaration and Platform for Action remain valid and renewed commitments by States in this regard are welcome. Cooperation with civil society is critical for rendering international cooperation effective and should be enhanced.

38. In September 2015, Member States adopted the 2030 Agenda for Sustainable Development, which sets out a transformative vision for people and planet-centred, human rights-based and gender-sensitive sustainable development, strongly grounded in international human rights. It strives to leave no one behind and has equality and non-discrimination as its centrepiece. With its 17 Goals and 169 related targets, the Sustainable Development Goals mirror the international human rights framework encompassing all civil, cultural, economic, political and social rights, as well as the right to development. Goal 17 and many of the international targets under each goal address issues that are related to duties of international cooperation and the right to development, including South-South and triangular cooperation. With its universal applicability, the 2030 Agenda will bring new opportunities to integrate all human rights into global and national policies in both developed and developing countries over the next 15 years, including through enhanced international cooperation, towards the achievement of the Sustainable Development Goals and the universal protection and promotion of human rights.